



## PATENT

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Tapas Mukhopadhyay, *et al.*

Serial No.: 10/043,877

Filed: January 9, 2002

For: ANTIHELMINTHIC DRUGS AS A  
TREATMENT FOR  
HYPERPROLIFERATIVE DISEASES

Group Art Unit: 1642

Examiner: B. J. Fetterolf

Atty. Dkt. No.: INRP:095US

#### CERTIFICATE OF MAILING 37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:

November 24, 2004

Date

*mDeLaPaz*  
Monica A. De La Paz

### SUPPLEMENTAL RESPONSE TO OFFICE ACTION

#### Mail Stop Amendment

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450 Commissioner:

This paper is submitted as a supplemental response to the Office Action dated June 28, 2005. The response to the Office Action was submitted by Applicants on October 28, 2004. Applicants indicated in the response to the Office Action that an executed declaration of the inventors pursuant to 37 C.F.R. §1.131 to antedate Davis (WO00/41669) was forthcoming. Applicants indicated in their response that submission of the executed declaration was delayed due to the fact that one of the inventors (Tapas Mukhopadhyay) is presently residing in India,

and that Applicants planned to file the declaration in a Supplemental Response to the Office Action as soon as this declaration has been executed.

Despite diligent efforts, Applicants have been unable to locate Tapas Mukhopadhyay. Dr. Mukhopadhyay's last known address is in India. In accordance with instructions received from Examiner Fetterolf and the Office of Petitions of the U.S.P.T.O, Applicants are concurrently filing with this supplemental response a Petition under 37 C.F.R. 1.47(a) to allow for submission of the declaration under 37 C.F.R. §1.131 without the signature of inventor Tapas Mukhopadhyay since he cannot be located despite the diligent effort of Applicants to locate him. The remaining three inventors, Sunil Chada, Jack Roth, and Abner Mhashilkar, have signed the declaration, which is enclosed herewith.

The supplemental response to the Office Action dated June 28, 2004, submitted herein, includes the declaration under 37 C.F.R. §1.131 (Exhibit A), and cites relevant sections of the declaration in the text of the response to the rejections set forth in the Office Action dated June 28, 2004.

It is believed that no fees are believed to be due in association with the filing of this supplemental response to the Office Action. Should a fee be necessary, consider this paragraph such a request and authorization to withdraw the appropriate fee under 37 C.F.R. §§ 1.16 to 1.21 from Fulbright & Jaworski L.L.P. Account No.: 50-1212/INRP:095US.

Please amend the application as follows.

**Amendments to the claims** begin on page 3 of this response.

**Amendments to the Drawings** begin on page 23 of this response and include both an attached replacement sheet and an annotated sheet showing changes.

**Remarks** start at page 24.